



Virginia  
Regulatory  
Town Hall

## Periodic Review and Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-140
<b>Regulation Title:</b>	Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia
<b>Action Title:</b>	Amend
<b>Date:</b>	July 7, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation establishes requirements and qualifications that animals must meet before being admitted into Virginia. It also establishes a monitoring system of official certificates (Certificates of Veterinary Inspection) issued by other states and foreign countries of origin which certify that the animal entering Virginia meets Virginia's health requirements.

## Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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Sections 3.1-724, 3.1-726, and 3.1-730 of the Code of Virginia (1950), as amended, require the Board of Agriculture and Consumer Services, the State Veterinarian, and all other veterinarians within the Commonwealth to use their best efforts to protect the domestic animals and poultry from disease. Consequently, the Board of Agriculture and Consumer Services and the State Veterinarian shall establish rules and regulations to prevent the entry of animal diseases and to establish livestock and poultry disease surveillance, control, and eradication programs to prevent the possible interstate and subsequent statewide spread of diseases.

## Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.*

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No public comment was received on this regulation review.

## Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The specific and measurable goals of the regulation are:

- 1.The protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
- 2.To prevent the introduction of contagious and infectious diseases into animal populations in the Commonwealth by (a) establishing disease-testing requirements that animals must meet before they enter the state, and (b) establishing a monitoring system of official certificates (Certificates of Veterinary Inspection) issued by other states and countries of the origin relative to the health status of any animal imported into Virginia.

The effectiveness of the regulation in achieving these goals is reflected, in part, in the freedom from brucellosis and tuberculosis, both of which affect animals and humans, in Virginia. In addition, Virginia has attained pseudorabies-free status, which eliminated a costly disease of

swine. The Commonwealth has prevented the incursion of those diseases having a major impact on the livestock and poultry industries because of the effectiveness of the animal import regulation. Not only has the regulation effectively protected the public's health and safety, but it has prevented death losses and decreased production of livestock and poultry. This action translates into a consistent source of animal protein which is affordable and of good quality for Virginia consumers. Preventing and controlling infectious and contagious diseases within an animal population is dependent upon the status of health of any new individual introduced into that population. The regulation's requirement that Certificates of Veterinary Inspection executed by licensed, accredited veterinarians contribute greatly to the assurance that imported animals examined for the absence of contagious diseases will pose little risk to the animal population of Virginia. Because healthy animals tend to bring better prices and are therefore more valuable when marketed, it is beneficial to Virginia's livestock producers that the state takes steps to keep diseases out of Virginia, thus reducing risk to resident herds and flocks. Also, healthy animals pose less risk to the health and safety of the human population since a number of diseases of livestock and poultry affect man.

The regulation is clearly written and easily understandable by the individuals and entities affected.

## Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

Considered alternatives to this regulation are (1) to set no requirements for the testing of imported animals to determine possible exposure to disease and (2) to not require official certificates (Certificates of Veterinary Inspection), which provide a description of the health status and place of origin of any animal brought in to the Commonwealth. The agency rejects these alternatives because without the health-monitoring system provided by the testing of imported animals and the Certificates of Veterinary Inspection, diseased animals could be shipped freely into Virginia, and the source of these animals would be difficult to determine or remain unknown. Also, the risk of widespread disease within the Commonwealth would be increased.

## Recommendation

*Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.*

The agency is recommending the regulation be amended to reflect (a) newer animal testing technology and procedures, (b) fewer testing requirements as justified by the advances made in

certain national eradication programs, including brucellosis, and (c) the application of knowledge gained from epidemiological investigations of disease spread, and (d) the use of information gained from research indicating the best techniques for identifying, controlling, and eradicating animal diseases.

### Substance of Proposed Action

*Please detail any changes that would be implemented.*

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In order to effectuate the most appropriate regulation for preventing the entry of animal diseases into the Commonwealth, the following amendments to the rules and regulations pertaining to the health requirements governing the admission of animals and birds are proposed:

1. Remove the requirement that psittacine birds transported into Virginia be confined and provided feed or seed treated with the antibiotic, chlortetracycline, for 15 continuous days as a treatment for the possible exposure and infection with the disease psittacosis. This requirement has been shown to be ineffective for the purpose indicated.
2. Delete the requirement for a negative test for bluetongue (an insect-transmitted viral disease affecting sheep, goats, cattle and wild ruminants) for South American camelids of the genus Lama (llamas, alpacas, guanacos, and vicunas) entering Virginia. Based on the available scientific evidence, bluetongue is not a disease problem in camelids in North and South America.
3. Add a requirement that members of the Cervidae family be tested for tuberculosis and brucellosis or are a part of a herd that meets the national program requirements for herd certification for brucellosis and accreditation for tuberculosis before being imported into Virginia. Recent evidence has shown that these animals can harbor these diseases and that only a small percentage of the cervidae population in the U.S. has been tested for brucellosis and tuberculosis.
4. Insert bison (animals in the genus Bison) in the text of the regulation wherever requirements (testing, vaccination, etc.) are indicated for cattle. The regulations and requirements set by the U.S. Department of Agriculture for the national State-Federal Eradication Programs for Brucellosis and Tuberculosis have been expanded to include bison. This action was taken because bison have the same susceptibility to both brucellosis and tuberculosis as cattle, and must be treated in a similar manner if these diseases are to be eliminated from the United States.
5. Eliminate the requirement for mandatory brucellosis vaccination of cattle and bison originating from those states not declared Brucellosis-Free by the U.S. Department of Agriculture. There are only five states which are not Brucellosis-Free and the vaccination requirement is no longer a part of the national program for the elimination of the disease from the United States.
6. Eliminate certain categories of brucellosis infected states as defined by U. S. Department of Agriculture regulations and presently included in this regulation because there are no longer any states which have such high levels of brucellosis infection among their cattle population.
7. Provide a procedure for approving auction markets to handle equines in order that equines entering Virginia may be exempt from the veterinary health certification and prior

testing for equine infectious anemia if the market meets certain requirements for testing and inspection of all equines when in the market.

8. Include requirements for veterinary health certification for ratites (ostriches, emus, kiwis, cassowaries, and rheas), rabbits, fish, reptiles, zoo animals, and other wild animals. This requirement will assure that such animals entering Virginia have been examined and found free of any evidence of contagious and communicable diseases.

9. Add definitions to the regulation which are required to explain proposed amendments.

### Family Impact Statement

*Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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Unless otherwise discussed in this report, this regulation has no impact upon families.